

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

CHARLES GUEST, CAROL GUEST,)
ROBERT H. MONTGOMERY, SR.)
(DECEASED), RUTH MONTGOMERY,)
ROBERT MONTGOMERY, JR., and)
RANDALL MONTGOMERY TRUSTEES)
FOR THE ROBERT H. MONTGOMERY)
EQUIVALENT EXEMPTION TRUST)
SUCCESSORS IN INTEREST TO)
ROBERT MONTGOMERY, SR.,)
Plaintiffs,)
v.) Case No. 2:14-cv-27
CINCINNATI INSURANCE COMPANY,)
Defendant.)

NOTICE OF REMOVAL

Defendant, Cincinnati Insurance Company ("Cincinnati"), hereby notifies the Judges of the United States District Court for the Eastern District of Tennessee, the Clerk for the Chancery Court for Sullivan County, at Kingsport, Tennessee, and plaintiffs, Charles Guest, Carol Guest, Robert H. Montgomery, Sr. (deceased), Ruth Montgomery, Robert Montgomery, Jr., and Randall Montgomery, Trustees for the Robert H. Montgomery Equivalent Exemption Trust Successors in Interest to Robert Montgomery, Sr., that the action described herein and filed in the Chancery Court for Sullivan County, at Kingsport, Tennessee, is removed to the United States District Court for the Eastern District of Tennessee, at Greeneville, pursuant to 28 U.S.C. §1441.

1. On December 18, 2013, plaintiffs, Charles Guest, Carol Guest, Robert H. Montgomery, Sr. (deceased), Ruth Montgomery, Robert Montgomery, Jr., and Randall

Montgomery, Trustees for the Robert H. Montgomery Equivalent Exemption Trust Successors in Interest to Robert Montgomery, Sr., filed a civil action bearing case number K0039191(c), against the defendant, Cincinnati Insurance Company, a Ohio corporation, in the Chancery Court for Sullivan County, at Kingsport, Tennessee. Service of the Complaint and Summons was made upon the Tennessee Department of Commerce and Insurance on December 26, 2013.

2. Plaintiffs filed this action seeking damages for breach of contract and bad faith allegedly due under a contract of insurance allegedly written by defendant, Cincinnati. (See complaint, a copy attached hereto as Exhibit A.)

3. Petitioner seeks removal of this action to this Court on the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-Five Thousand Dollars (\$75,000), exclusive of the interest and costs, pursuant to 28 U.S.C. §1332. In particular, plaintiffs in the underlying action seek recovery of policy benefits and damages for bad faith in an amount not to exceed Three Hundred Eighty-Seven Thousand, Six Hundred Sixty Dollars and 74/100 (\$387,660.74).

4. Plaintiffs are alleged to be citizens and residents of Sullivan County, Tennessee and owners of or have an interest in real estate located at 2971 Fort Henry Drive, and 2975 Fort Henry Drive, in Kingsport, Tennessee. Defendant Cincinnati is a corporation organized under the laws of Ohio with its principal place of business in Ohio. Accordingly, this matter involves citizens of different states.

5. This Notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon

defendant, are attached hereto.

WHEREFORE, notice is hereby given that the said civil action number K003919(c) is removed from the Chancery Court of Sullivan County, at Kingsport, Tennessee, to this Court.

Respectfully submitted,

s/ E. Jason Ferrell
PARKS T. CHASTAIN
Registration No. 13744
E. JASON FERRELL
Registration No. 24425
Attorneys for Cincinnati Insurance
Company

**BREWER, KRAUSE, BROOKS,
CHASTAIN & BURROW, PLLC**
P. O. Box 23890
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(615) 256-8787

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2014, a true and correct copy of the foregoing Notice of Removal has been sent, via first-class mail, postage prepaid to:

Robert J. Jessee, Esq.
Jessee & Jessee
412 East Unaka Avenue
P.O. Box 997
Johnson City, TN 37605

s/ E. Jason Ferrell
E. JASON FERRELL